



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

Promoting the wise use of land  
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<b>MEETING DATE</b> January 15, 2015 <b>LOCAL EFFECTIVE DATE</b> January 29, 2015 <b>APPROX FINAL EFFECTIVE DATE</b> February 12, 2015	<b>CONTACT/PHONE</b> Megan Martin, (805)781-4163 mamartin@co.slo.ca.us	<b>APPLICANT</b> Benjamin and Elisabeth Curti	<b>FILE NO.</b> DRC2014-00139
<b>SUBJECT</b> Request by <b>BENJAMIN AND ELISABETH CURTI</b> for a Minor Use Permit/Coastal Development Permit (DRC2014-00139) to allow the construction of a new two-story, 3,187 square foot single family residence. The residence will be 27 feet in height above the highest point of the lot and will have an attached 749 square foot garage. The project will result in the disturbance of the entire 6,000 square foot parcel through development, landscaping and associated improvements. The project is located at 2925 Avila Beach Dr. on the south side of Avila Beach Drive off of Colony Lane, within the community of Avila Beach, in the San Luis Bay Coastal planning area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2014-00139 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 19, 2015 for this project. Mitigation measures are proposed to address cultural resources, geology and soils, noise, public services/utilities, recreation, transportation/circulation, and water/hydrology and are included as conditions of approval.			
<b>LAND USE CATEGORY</b> Recreation	<b>COMBINING DESIGNATION</b> Local Coastal Program, Coastal Appealable Zone, Coastal Special Community, Visitor Serving Area	<b>ASSESSOR PARCEL NUMBER</b> 076-196-011	<b>SUPERVISOR DISTRICT(S)</b> : 3
<b>PLANNING AREA STANDARDS:</b> Avila Beach Specific Plan, San Luis Bay Coastal Area Plan Does the project meet applicable Planning Area Standards: <i>Yes – see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Local Coastal Program, Coastal Appealable Zone, Setbacks, Parking, Height Does the project conform to the Land Use Ordinance Standards: <i>Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242	
<b>EXISTING USES:</b> Site is currently vacant	
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Recreation/ Avila Beach Golf Course East: Recreation/ Undeveloped South: Recreation/ Public Parking Lot West: Recreation/ Undeveloped	
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to: Public Works, Building Division, Cal Fire, Avila Community Services District, California Coastal Commission, Avila Valley Advisory Council, Native American Heritage Commission	
<b>TOPOGRAPHY:</b> Nearly level to steeply sloping (8% average slope)	<b>VEGETATION:</b> Non-native grasses and disturbed soils
<b>PROPOSED SERVICES:</b> Water supply: Avila Community Services District Sewage Disposal: Avila Community Services District Fire Protection: Avila Fire	<b>ACCEPTANCE DATE:</b> July 24, 2015

## DISCUSSION

### BACKGROUND

These properties are within the “Old Railroad Right-of-Way” and were approved as a lot line adjustment at the Subdivision Review Board hearing on August 4, 1997 (S960044L; COAL96-112). This lot line adjustment allowed for the reconfiguration of these parcels into 14 lots that range in size from 6,000 to 20,000 square feet each. The lots are required to take access off of a private drive (Beach Colony Lane) which is currently located at the rear of the lots and do not take access from Avila Beach Drive. These lots were approved prior to adoption of the Avila Beach Specific Plan in March of 2001.

### AVILA BEACH SPECIFIC PLAN STANDARDS

While the Avila Beach Specific Plan does not contain development standards for the lots within the “Old Railroad Right-of-Way” it does contain discussion on conceptual uses for this site (under Implementation section No. 5 of the Avila Beach Specific Plan). Conceptual uses may include, “expansion of the parking lot or allow for a residential use, and the northern portion would be re-designated as Residential Multi Family (RMF).” The proposed project includes a residential use which is anticipated other than a parking lot as stated above.

### SAN LUIS BAY PLANNING AREA STANDARDS:

#### Avila Beach Urban Area Standards

1. Water Authorization Required. Submittal of a “will-serve” letter from the Avila Beach Community Services District (ABCSD) is required prior to issuance of any building permits for construction proposed to have water service.

*Staff Response: The proposed project complies with this standard. The applicant received an intent to serve letter from the ABCSD. The project, as conditioned, is required to submit the will-serve letter from the ABCSD prior to issuance of any building permits.*

4. Permit Requirement. Unless otherwise specified in the Avila Beach Specific Plan, Minor Use Permit approval is required for all proposed new uses except secondary dwellings.

*Staff Response: The proposed project complies with this standard because the applicant has applied for a Minor Use Permit for the consideration of a new single family dwelling.*

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.01.043(c)(1): Appeals to the Coastal Commission (Coastal Appealable Zone)  
The project is appealable to the Coastal Commission because the subject parcel is located between the sea and the first public road (Avila Beach Drive) paralleling the sea.

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.04.100: Setbacks

Required setbacks for the front, side and rear portions of the property are 25 feet from the front property line (Avila Beach Drive), 5 feet from the side property lines, and 10 feet from the rear property line.

*Staff Response: The proposed project complies with these standards as conditioned.*

Section 23.04.160: Parking

The proposed project is a single family residence which must contain at least two off street parking spaces.

*Staff Response: The proposed project complies with this standard. The single family residence includes an attached two car garage with the possibility for a third car should the residents choose to utilize the tandem space within the garage.*

Section 23.04.120: Height Requirement

Maximum height for structures within the Recreation land use category is 35 feet from average natural grade.

*Staff Response: This project is proposed to have a maximum height of 27 feet from the highest point of the lot which complies with the ordinance requirements; approximately 33" from average natural grade.*

COASTAL PLAN POLICIES:

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: ☒ Policy No(s): 1

Coastal Watersheds: ☒ Policy No(s): 7, 8, 10

Visual and Scenic Resources: ☒ Policy No(s): 2

Hazards: ☒ Policy No(s): 1, 2  
Archeology: ☒ Policy No(s): 1  
Air Quality: N/A

**Does the project meet applicable Coastal Plan Policies:** Yes, as conditioned

#### COASTAL PLAN POLICY DISCUSSION:

##### **Public Works:**

Policy 1: Availability of Service Capacity. New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development.

*Staff Response: The proposed project complies with this policy. A preliminary "will serve" letter was provided by the Avila Beach Community Services District for the proposed single family residence on July 14, 2015.*

##### **Coastal Watersheds:**

Policy 7: Siting of new development. *The proposed project is consistent with this policy because the proposed single family residence will be located on an existing lot of record in the Recreation land use category. A portion of the site does exceed 20% in slope through the center of the lot due to construction of the railroad and Avila Beach Drive. There is no place to locate a single family residence without impacting this 20% sloped area which runs through the center of the entire lot.*

Policy 8: Timing of new construction. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems.

*Staff Response: The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.*

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion.

*Staff Response: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the residence will not increase erosion or runoff.*

##### **Hazards:**

Policy 1: New Development. All new development proposed within areas subject to natural hazards from geologic or flood conditions shall be located and designed to minimize risks to human life and property.

*Staff Response: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.*

Policy 2: Erosion and Geologic Stability. New development shall ensure structural stability while not creating or contributing to erosion or geological instability.

*Staff Response: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion or geological instability.*

**Visual and Scenic Resources:**

Policy 2: Site Selection for New Development. Permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Wherever possible, site selection for new development is to emphasize locations not visible from major public view corridors. In particular, new development should utilize slope created "pockets" to shield development and minimize visual intrusion.

*Staff Response: The proposed project is designed as to minimize visual impacts from Avila Beach Drive as this is a gateway into the community. The project has proposed to include a design that "buries" a major portion of the home so the views from Avila Beach drive are that of a two story home, though it is a three story residence, consistent with homes previously built and approved in the surrounding area. The site contains existing development within the backdrop of the site therefore the project does not create new development which will block views of the ocean or beach areas. This project complies with this policy.*

**Archaeology:**

Policy 1: Protection of Archaeological Resources. The county shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required.

*Staff Response: This project complies with this requirement through mitigation measures for cultural resources. For specifics refer to environmental document and attached conditions of approval 18, 19, 20, 24.*

**COMMUNITY ADVISORY GROUP COMMENTS:**

The Avila Valley Advisory Council met at a regular meeting on June 10, 2015. The council had concerns and provided the following comments for the project:

- Scale back building height to meet the 25 foot height requirement taken at the highest point of the lot.
- Correct water/sewer agency provider and provide will serve letter.
- Roof top deck – limit height of furnishings including deck landscaping to be same height as deck wall height.
- Committee commends applicant's selection of exterior color as very refreshing.

*Staff Response: The proposed project complies with the height standards required by the Coastal Zone Land Use Ordinance. It is also consistent with development previously approved on other Colony lots. The applicant provided a valid will serve letter from the Avila Beach Community Services District on July 14, 2015.*

AGENCY REVIEW:

Public Works – “No concerns. The project is within Avila Road Fee area, payment of improvement fees is required prior to building permit issuance.” (Tim Tomlinson, May 11, 2015)

*Staff Response: The proposed project, as conditioned, is required to pay the improvement fees prior to building permit issuance.*

Building Division – No concerns. A building permit is required. (Michael Stoker, May 18, 2015)

Cal Fire – No comments received.

Air Pollution Control District – “A single family residence typically does not trigger mitigation measures and is typically below our CEQA thresholds. Provided is a list of dust control measures to include as part of the project.” (Gary Arcemont, November 3, 2015)

*Staff Response: The project will not likely exceed the APCD’s CEQA significance threshold*

Avila Community Services District – “The District is in receipt of your Preliminary Will Serve Application...the Avila Beach Community Services District determined that the District currently has the necessary capacity for service to the proposed project and intends to serve the project provided that applicable fees are paid, the improvements required by the District are constructed and all other conditions of approval, including any dedication of easements are made.” (Brad Hagemann, July 14, 2015)

*Staff Response: The project, as conditioned, will be required to submit a final “will serve” letter at the time of application for Building Permits and will be required to meet the above requirements of the Preliminary Will Serve Letter provided by the Avila Beach Community Services District.*

California Coastal Commission – No comments received.

Native American Heritage Commission – No comments received.

LEGAL LOT STATUS:

The one existing parcel was legally created by the recordation of a map for Lot Line Adjustment COAL 96-112, Parcel #6 (Book 54, Page 73 of Parcel Maps) at a time when that was a legal method of creating parcels.

Staff report prepared by Megan Martin and reviewed by Ryan Hostetter and Steve McMasters.